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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,139	01/16/2001	Mark Moir	001345	3420
24118	7590	07/10/2006	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/761,139

**Applicant(s)**

MOIR, MARK

**Examiner**

Scott Beliveau

**Art Unit**

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 5-7 is/are allowed.  
6) ☒ Claim(s) 1 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examination art unit for this application has changed to 2623.

### ***Response to Arguments***

2. Applicant's arguments filed 05 June 2006 have been fully considered but they are not persuasive with respect to claim 1.

With respect to applicant's arguments regarding the rejection of claim 1 failing to illustrate the claimed 'display portion', the examiner respectfully disagrees. As illustrated in Figure 6, the 'display portion' [82D], provides an indication of the total duration of a given program as displayed with respect to the currently displayed time period. The claim does not necessarily require that the display portion indicate both the amount of time elapsed since the program started and the amount of time in which it extends beyond the displayed time period. Rather the claim only requires that the display portion be generated simultaneously for two or more cells regardless of their start/end times. In the instant case, 'Cooking College' has a total duration of 1 hour and extends 1 hour beyond the currently displayed time period (Now) as illustrated. The 'Jungle Book, Boy MoJan' illustrates the same thing being generated simultaneously. Similarly, 'Wakakusa Story on Love' extends beyond the displayed period (Now) by 2 hours. However, while not necessarily required, it is the examiner's position that the system also operates to display the amount of time elapsed from the displayed time period (Now) in light of the 'display portion' [82D] also illustrating an amount of time or 1 hour prior to the currently displayed period (Now). Therefore, irrespective of whether or not

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a user must manually adjust the length of the time display bar, the Kohno et al. reference provides for the 'display portion' to be generated simultaneously for two or more cells within the grid indicative of the period of time elapsing and/or extending beyond the display period.

4. Applicant's arguments and associated amendment to claim 5 has been fully considered and are persuasive. The rejection of claims 5-7 has been withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kohno et al. (US Pat No. 6,462,784).

In consideration of claim 1, Figures 1 and 6 of the Kohno et al. reference illustrates a "television program guide display relating to programs which can be selected to be viewed". As illustrated in Figure 6, the "display" [80] comprises a "grid having a time bar to indicate the particular time period to which the display relates" [85], a "series of cells . . . representing a program and one or a number of cells representing a program channel" and further "selectable to select a program for viewing" (Col 7, Line 59 – Col 8, Line 46). As illustrated "at least one or more programs indicated by one or more corresponding cells within the grid . . . finishes outside a time period" (ex. now showing) "represented by the time bar on the

display” such that a “display portion” [82D] is “generated on the display for each of said cells corresponding to the one or more programs and said display portion shows the time . . . for which the program will last beyond the end of the time period represented by the time bar” and the “display portion is generated simultaneously for two or more cells within the grid”. For example, as illustrated, the display portion indicates that the programs may extend beyond the displayed time period (ex. now) for up to two hours or may start up to one hour prior to the displayed time period (ex. now).

***Allowable Subject Matter***

7. Claims 5-7 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: As noted in applicant’s arguments (Page 5, Para. 3), the Lawler et al. reference only provides for the claimed ‘display portion’ for each program when selected individually. Accordingly, the claim art of record does not fairly teach or suggest the claim taken as a whole and in particular the limitation “wherein the display portion is generated simultaneously for two or more cells within the grid”.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Beliveau

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A handwritten signature in black ink, appearing to read 'SEB', is written over the printed name 'SEB'.

SEB

June 19, 2006

Examiner

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